

JUL 27 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE MATTER OF THE SEARCH OF:
FACEBOOK USER ID: 1131444431
<https://www.facebook.com/lucas.newtongrant>
Vanity ID: "Lucas Newton-Grant"
THAT IS STORED AT PREMISES
CONTROLLED BY FACEBOOK, INC.

Case No. 3:20mj00031

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT

I, W. Wade Douthit, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the user ID, including the content of the subscriber's or customer's account.

2. I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7) and am empowered by law to conduct investigations of, and to make arrests for, offenses in violation of Title 18 and Title 21 of the United States Code.

3. Specifically, I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since June 1999. I am currently assigned to the Richmond Division of the FBI, Charlottesville Resident Agency. I received formal training at the FBI Academy in Quantico, Virginia, on, among other things, the United States Constitution and conducting criminal investigations, to include writing and executing search and arrest warrants. My principal duties include the investigation of various criminal violations, to include interstate threats. In the course of my career with the FBI, I have been involved in the execution of numerous federal arrest warrants.

4. The facts in this affidavit come from my personal observations, my training and experience, as well as information obtained from other law enforcement officers and in interviews with witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 875(c) (Threats) have been committed. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

TECHNICAL BACKGROUND ON FACEBOOK

6. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users and sometimes with the general public.

7. Facebook asks users to provide basic contact and personal identifying information to Facebook during the registration process or later. This information may include the user's full

name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

8. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

9. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

10. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events,"

such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

11. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

12. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

13. If a Facebook user does not want to interact with another user on Facebook, the

first user can “block” the second user from seeing his or her account.

14. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

15. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

16. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

17. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

18. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

19. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

20. In addition to the applications described above, Facebook also provides its users

with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

21. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

22. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

23. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like

Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

24. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element of an offense or, alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, photographs, and other data retained by Facebook can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "Friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the

Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

PROBABLE CAUSE

25. Due to the spread of COVID-19 infections, and a directive from the Governor of Virginia, Charlottesville (VA) City Public Schools ("CCPS") were closed on March 23, 2020. Thereafter, and through the end of the 2019-2020 academic school year, CCPS began providing services to students via teleconference or other means. During the summer of 2020 CCPS began a public debate about whether to return to normal operations for the school year beginning in the Fall of 2020.

26. On July 7, 2020, Facebook User ID "lucas.newtongrant" was using screenname "Lucas Newton-Grant". Facebook refers to a user's screenname as their "vanity ID." On this date, vanity ID Lucas Newton-Grant publicly posted the following:

"If Charlottesville city Schools forces my mom back to work, Guarantee you're looking at your next serial BOMBER. Yes, your honor, I did it. (Clown Face Emoji) Play if you want Charlottesville City Public School System (Smiling Emoji)."

27. That post resulted in the following public conversation with another Facebook User using the vanity ID Rachael S. Van Clief:

RACHAEL S. VAN CLIEF: Dude be careful saying that stuff

LUCAS NEWTON-GRANT: they better be careful with my moms health. They might not give a fuck, but I surely do. I give 0 fucks hence the "YES YOUR HONOR I DID IT I blew those buildings up"

RACHAEL S. VAN CLIEF: okay I'm not saying you're wrong I'm just saying be careful about what you say on here

LUCAS NEWTON-GRANT: I want them to come after me. They'll be in for a pleasant surprise.

28. On July 7, 2020 vanity ID Lucas Newton-Grant posted the following:

**WTB1 Detonating Wire \$300 cash / Venmo/
cash app / Crypto
asking for a Friend. (Smiling Emoji With Hearts)**

29. Charlottesville Police Department ("CPD") became aware of these posts and through a bulletin notification on July 8, 2020, which included the FBI, made other law enforcement agencies aware of the threats. As part of CPD's initial investigation, they determined that there is a teacher in the Charlottesville Public School System, Kathryn Grant, whose son LUCAS ISAAH NEWTON-GRANT, born on March 3, 1993, graduated from Western Albemarle High School, located just outside Charlottesville in nearby Albemarle County, Virginia.

30. A comparison of the Virginia Driver record photograph for LUCAS ISAAH NEWTON-GRANT ("NEWTON-GRANT") born March 3, 1993, and the profile picture for Facebook Vanity ID "Lucas Newton-Grant" revealed them to be the same person.

31. On July 20, 2020 FBI Agents from the Palm Springs, California Resident Agency identified a vehicle registered in the State of California to NEWTON-GRANT parked in front of 182 Tanforan Street, Rancho Mirage, California. A search of public record databases revealed that NEWTON-GRANT used this same address as recently as May of 2020.

32. The FBI continued to monitor the public Facebook activity of NEWTON-GRANT, and on July 19, 2020, NEWTON-GRANT posted the following:

**Glass bottle + gasoline + styrafoam = napalm Molotov cocktail
ITS TIME (Nine Explosion Emojis)
AND THAT JUST THAT ON MOTHER FUCKING PERIOD.**

33. Also on July 19, 2020, NEWTON-GRANT replied to a post by a Facebook user with vanity ID "Shannon Celia":

SHANNON CELIA: Today City teachers can meet with our local CEA at 3:00 on zoom! We are trying to draft a plan for our school board that talks about starting the school year off virtually!!! We are hoping our voices will be heard !!!!!

LUCAS NEWTON-GRANT: tell them, there will be real turmoil, I will bring real destruction if they throw my mom back into a classroom. I will genuinely fly back to inflict pain and trauma. C4 IS flammable clay. I think the fact they are fucking meeting over ZOOM is a god damn answer enough.

LUCAS NEWTON-GRANT: and that's on my cat and Beyoncé. I will fuck shut (sic) up.

LUCAS NEWTON-GRANT: people will fucking die

34. NEWTON-GRANT then reposted that conversation with the following comment:

If my mom tells me about how she goes back into a classroom. I'm buying a plane ticket back. Okay bitch. MAKE ME FUCKING SNAP THEN. On Jugo

35. NEWTON-GRANT continued on July 19, 2020 with another post to which his mother and another Facebook user with vanity ID "Laura Randolph", replied:

LUCAS NEWTON-GRANT: My mom gets sick = I blow Charlottesville City School Systems Sky High. C4 IS ONLY FLAMMABLE CLAY

KATHY GRANT: Lucas, I love you and I appreciate the sentiment, but PLEASE stop making threats on FB

LAURA RANDOLPH: Lucas, i SO LOVE how you love and defend yr mom, but threats only cause more problems!!! (Two Concerned Emojis)

36. NEWTON-GRANT then continued with another post on July 19, 2020:

LUCAS NEWTON-GRANT: I really wont ask y'all where to buy detonating wires from. Lmao² I already got em (Sniffle Emoji)

37. Sometime later on July 19, 2020, NEWTON-GRANT reposted his earlier post regarding the recipe for Molotov cocktail with the comment:

"A GEM"

38. In addition to these posts directly relating to violence targeting Charlottesville City Public Schools, NEWTON-GRANT has made other posts seemingly advocating violence against white people and police, and supporting general insurrection, including the following examples: **“The sound of bones crunching under precision German engineering ... I do wonder (Smiley Emoji with Heart Eyes)”** (Posted: June 26, 2020); **“I wonder how many white people I can hit and run. So far one, the feeling is literally incredible. ASMR³ for real”** (Posted: June 29, 2020); **“The ‘good cops’ are going to get killed too at this point. Your silence equates to your death, dear.”** (Posted: June 29, 2020); **“Time to blow the Aurora PD precinct to SHIT”** (Posted: June 29, 2020); **“They just don’t overthrow governments like they used to. I’m so down to die for that cause”** (Posted: July 15, 2020); and **“Always mention the possibility of assassination. It’s how the 25th and 35th president went out... STARING AT 45 like >_>(I’ve been posing this since 2016).”** (Posted: July 19, 2020)

39. On July 9, 2020 the FBI requested preservation of the Facebook User ID “lucas.newtongrant” (Vanity ID **“Lucas Newton-Grant”**) through Facebook’s online law enforcement portal. An email confirmation of the preservation of the account was received on July 9, 2020.

40. On July 20, 2020 the FBI, using an openly available tool on the internet determined that **Facebook User ID 1131444431** corresponded with <https://www.facebook.com/lucas.newtongrant>. Also, on July 20, 2020, the FBI used an internet browser to navigate to <https://www.facebook.com/1131444431>, which revealed the same Facebook page as **<https://www.facebook.com/lucas.newtongrant>**.

41. On July 19, 2020 an Anonymous individual using the FBI’s online tip reporting website reported that they had seen some of the posts, mentioned previously in this affidavit,

wherein NEWTON-GRANT was making threats to Charlottesville Public Schools. This individual reported that they were concerned that they believed NEWTON-GRANT to be “a very unstable individual and very likely and capable of carrying out such attacks.” This person, who reported this information from an Internet Protocol (IP) which resolves to Brentwood, California, stated that they had previously worked with NEWTON-GRANT at BJ’s Brewhouse and Restaurant in Brentwood, California during the time period around 2017 and 2018. NEWTON-GRANT had a webpage on LinkedIn.com which stated that he had worked at BJ’s Restaurant in Brentwood, California since 2016.

42. On July 20, 2020 the FBI contacted Dr. Rosa Atkins (“Atkins”), the Superintendent of Charlottesville Public Schools. Atkins advised that while there were no classes currently taking place, there were staff present in all Charlottesville City Public schools. Atkins further stated that the Charlottesville School Board was planning to vote on July 30, 2020 to decide whether to allow the students to return to the schools in the Fall. Depending on how the vote proceeds, NEWTON-GRANT’S mother may be instructed to return to work as early as August 5, 2020.

43. Based upon the information outlined above, there is probable cause to believe that NEWTON-GRANT utilized Facebook to communicate threats. Your affiant has preserved the business records of this account and verified the account current status as being active.

44. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

45. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to

require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

46. Based on the foregoing, I respectfully request that the Court issue the proposed search warrant.

47. This Court has jurisdiction to issue the requested warrant because it is a “court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, this Court is a “district court of the United States...that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2713(3)(A)(i).

48. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Facebook. Because the warrant will be served on Facebook, which will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

49. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution,

destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

OATH

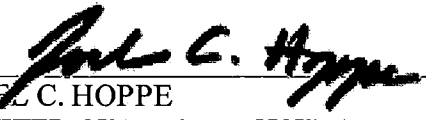
The information in this affidavit is true to the best of my knowledge and belief.

Respectfully submitted,

s/W. Wade Douthit

W. Wade Douthit, Special Agent
Federal Bureau of Investigation

Received by reliable electronic means and sworn and attested to by telephone on
this 27th day of July 2020.



JOEL C. HOPPE
UNITED STATES MAGISTRATE JUDGE